

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                    |                              |
|--------------------|------------------------------|
| LEE T. VINSON,     | §                            |
|                    | § No. 602, 2010              |
| Defendant Below-   | §                            |
| Appellant,         | §                            |
|                    | § Court Below—Superior Court |
| v.                 | § of the State of Delaware   |
|                    | § in and for Kent County     |
| STATE OF DELAWARE, | § Cr. ID No. 0810016626      |
|                    | §                            |
| Plaintiff Below-   | §                            |
| Appellee.          | §                            |

Submitted: November 5, 2010  
Decided: November 15, 2010

Before **HOLLAND, BERGER** and **JACOBS**, Justices

**ORDER**

This 15<sup>th</sup> day of November 2010, it appears to the Court that:

(1) The defendant-appellant, Lee T. Vinson, filed an appeal from the Superior Court's August 31, 2010 order denying his motion for credit for Level V time served. The plaintiff-appellee, the State of Delaware, has filed a motion to remand this matter to the Superior Court. For the reasons that follow, we conclude that the motion to remand should be granted.

(2) On February 25, 2009, with the assistance of counsel, Vinson pleaded guilty to two counts of Robbery in the First Degree, two counts of Robbery in the Second Degree and one count of Attempted Possession With Intent to Deliver. Vinson was sentenced on February 26, 2009, in

accordance with his plea agreement with the State. Since then, Vinson's sentencing order has been modified three times. His latest sentencing order, dated October 14, 2009, reflects a total of fifty-five years of Level V incarceration, to be suspended after six years for decreasing levels of supervision.

(3) In his opening brief, Vinson claims that the Superior Court has not given him credit for all the Level V time to which he is entitled. The State agrees and requests that this matter be remanded to the Superior Court so that the plea agreement between Vinson and the State may be reformed to the extent required to permit Vinson to receive credit for all Level V time he has already served in connection with his October 14, 2009 sentences and so that the Superior Court may re-sentence him.<sup>1</sup>

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<sup>1</sup> *Gamble v. State*, 728 A.2d 1171, 1172 (Del. 1999) (a defendant must be given credit for all Level V time served when calculating the amount of Level V time remaining on the defendant's sentence).

NOW, THEREFORE, IT IS ORDERED that this matter is hereby REMANDED to the Superior Court for reformation of Vinson's plea agreement to the extent required to permit him to receive credit for all Level V time he has already served in connection with his October 14, 2010 sentences and for any necessary re-sentencing in accordance therewith. Jurisdiction is not retained.

BY THE COURT:

/s/ Randy J. Holland  
Justice